

OGC 65-1461

20 MAY 1 1965

MEMORANDUM FOR: Mr. Warner

SUBJECT: The Foreign Service Act Amendments of 1965

1. On 19 May 1965 I attended the opening hearings on H.R. 6277 before the House Subcommittee on State Department Organization and Foreign Operations. The first and only witness that day was the Honorable William J. Crockett, Deputy Under Secretary of State for Administration.

2. Mr. Crockett sought to justify the proposed foreign affairs personnel system which could be effected upon the passage of Section 22 of the proposed bill. He said this would increase the efficiency and economy of the Foreign Service by eliminating differences among people in essentially the same type of work. He specifically objects to Foreign Service personnel working side by side with Civil Service personnel, when both are doing basically similar types of work. He also pointed out that there is no longer a clear distinction between the domestic and foreign activities of the Department of State; therefore, all personnel in the Department should be under the same unified personnel system. On the other hand, he believes that in today's fast moving world the special needs of the foreign affairs agencies are significantly different from those of domestically oriented organizations to justify the expansion of a personnel system which is different from that of Civil Service. Mr. Crockett also commented on Section 14 of the bill which would amend Section 633 of the Foreign Service Act by extending the selection-out system to all members of the new foreign affairs personnel system. Throughout the session he was forced to defend it as an equitable system in answer to searching inquiries from members of the Subcommittee. He described their system as "an effective tool of management" which serves to insure maximum efficiency and effectiveness amongst a key group of Government employees.

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3. Mr. Crockett was prepared for the searching questions he knew would be asked concerning the key Section 22 to this bill. At present the section is so worded that the President perhaps could designate a CIA employee as a member of the proposed foreign affairs personnel system. Mr. Crockett stated that to make it clear that only members of the Department of State, the Agency for International Development and the United States Information Agency would be covered, that he would be willing to eliminate the language "and such personnel as he may designate of other Government agencies who are engaged in foreign affairs functions." I believe the Subcommittee will approve this suggestion.

4. Furthermore, he wants to add to Section 22 to give the personnel affected by the proposed transfer an option of 3 years in which to decide whether or not they want to be transferred into the foreign affairs personnel system. If they wish to remain Civil Service employees, the Department of State will assist them in finding other jobs in the Federal Government. Chairman Wayne Hays (D., Ohio) said he would introduce a bill to accomplish this if the Department's Legal Adviser's Office would draft it for him. Mr. Crockett said the new system would give him more flexibility in moving people from job to job. He complained that the Civil Service has too rigid job descriptions. The State Department, on the other hand, wants to be able to move people freely on short notice to areas such as the Dominican Republic without regard to grade or job description. Civil Service rules unduly restrict him in this matter.

5. Those people who now serve in Civil Service administrative jobs will either become Foreign Service Staff Officers or Foreign Service Clerical Officers. These personnel will not have to serve overseas against their will in order to keep their jobs.

6. Another amendment which Mr. Crockett and Representative Hays both agree is needed concerns those present Civil Service employees who upon transfer will be placed under the Foreign Service retirement

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system. This will happen to some, although the majority will probably be kept in positions in which they may retain their Civil Service retirement rights. The mandatory retirement age for Civil Service employees is age 70, as opposed to age 60 for members of the Foreign Service retirement system. Those personnel who are presently age 50 or who have at least 15 years under Civil Service may be given the opportunity to serve longer than those who have always been a part of the Foreign Service retirement system. A sliding scale has been proposed for this transition period based on age and years of service, but the details are yet to be worked out.

7. Representative E. Ross Adair (R., Indiana) does not like the language in Section 9 of H.R. 6277. This provision, which would amend Section 522 of the Foreign Service Act, is of particular interest to the DDP. The present bill would authorize the appointment of Foreign Service Reserve Officers by the Secretary of State "on the basis of merit and fitness." Mr. Adair does not believe this is an adequate standard. Representative F. Bradford Morse (R., Massachusetts) agreed. They both felt that the standard of admission to FSR status should include some sort of a test--even for Federal personnel already in a merit system.

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8. Finally, Congressman Benjamin S. Rosenthal (D., New York) questioned Mr. Crockett quite closely on the Department's present selection-out procedures. He was not satisfied that they were equitable, and he asked to review any 6 cases among the 68 people who were selected out last year. Mr. Crockett agreed to supply him with the files. Mr. Hays tried to assure his colleague that the Foreign Service selection-out system was indeed equitable by saying that he personally has intervened in 3 cases in the past, and in every instance he saved the jobs of those involved. Mr. Rosenthal (correctly, it seemed to me) pointed out that actually this was

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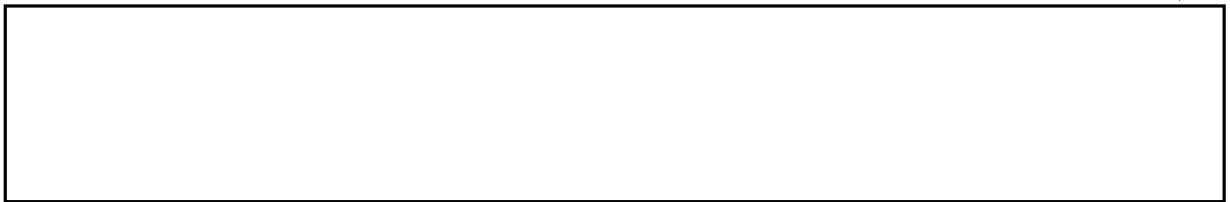
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evidence that the present system might not be fair and equitable if it took a Congressman's intervention to get the Department of State to admit that an error had been made in their evaluation of an employee's performance.

9. This opening session made two points very clear: First, Congress is sympathetic to the Department's desire to have a unified personnel system, but it wants to be very certain that in completing the necessary transfers and personnel changes full justice is given to all personnel affected. Secondly, there is particular interest in the operation of the selection-out system. The traditional references were made to Civil Service deadwood who don't do any work but are always there to collect their pay checks. The Congress seems to support President Johnson's goals for higher standards in Federal service, but they want to be sure that justice is done in any dismissal of marginal employees. 25X1

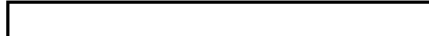



11. Mr. Crockett was called back to appear again because members of the Subcommittee are not yet satisfied with all of the means proposed to improve the personnel system of the Department of State, AID and USIA.



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